

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kaitlin Campbell	Team: Squad #13	CCRB Case #: 201708577	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/27/2017 12:35 PM	Location of Incident: Northwest corner of Beach 86th Street and Rockaway Beach Boulevard	Precinct: 100	18 Mo. SOL 12/27/2018	EO SOL 12/27/2018	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/17/2017 11:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Yeaman	22667	951454	100 PCT
2. POM Andrew Ronan	8395	956218	100 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Matthew Schiraldi	02447	944991	100 PCT
2. POM Daniel Manetta	11047	956069	100 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Andrew Ronan	Force: Police Officer Andrew Ronan used physical force against § 87(2)(b)	
B.POM Robert Yeaman	Force: Police Officer Robert Yeaman used physical force against § 87(2)(b)	
C.POM Andrew Ronan	Force: Police Officer Andrew Ronan restricted § 87(2)(b)'s breathing.	
D.POM Robert Yeaman	Force: Police Officer Robert Yeaman restricted § 87(2)(b)'s breathing.	
E.POM Andrew Ronan	Discourtesy: Police Officer Andrew Ronan spoke discourteously to § 87(2)(b)	

## Case Summary

On October 11, 2017, § 87(2)(b) called the Internal Affairs Bureau and filed this complaint (original log #17-39577)—a spinoff of which (log #2017-39888) was forwarded to the CCRB on October 17, 2017.

On June 28, 2017, at approximately 12:35 p.m., § 87(2)(b) rode his bike the wrong way down Beach 86th Street, a one-way street, and Police Officers Andrew Ronan and Robert Yeaman of the 100th Precinct stopped § 87(2)(b) at the corner of Beach 86th Street and Rockaway Boulevard to issue him a summons for disobeying a one-way sign. PO Ronan and PO Yeaman pushed § 87(2)(b) off of his bike, threw him to the ground, shoved his face against the pavement, and punched him (**Allegations A and B: Force, § 87(2)(g)**). Before they handcuffed him, PO Ronan and PO Yeaman pressed their knees into § 87(2)(b)'s back while he laid chest-down on the ground, thereby restricting his breathing. (**Allegations C and D: Force, § 87(2)(g)**). In the course of their interaction, PO Ronan said to PO Yeaman, "I'm sick of this shit," referring to § 87(2)(b) (**Allegation E: Discourtesy, § 87(2)(g)**).

A man who wishes to remain anonymous recorded a cell phone video of the incident and provided it to § 87(2)(b) who provided it to the investigation (Board Review 01).

## Findings and Recommendations

**Allegation (A) Force: Police Officer Andrew Ronan used physical force against § 87(2)(b)**  
**Allegation (B) Force: Police Officer Robert Yeaman used physical force against § 87(2)(b)**  
**Allegation (C) Force: Police Officer Andrew Ronan used physical force against § 87(2)(b)**  
**Allegation (D) Force: Police Officer Robert Yeaman restricted § 87(2)(b)'s breathing.**

The following facts are undisputed: § 87(2)(b) said he was high on Phencyclidine (PCP) on the date of the incident and "didn't really know what was going on." While riding his bike, § 87(2)(b) turned the wrong way down Beach 86th Street, a one-way street, and PO Ronan and PO Yeaman followed § 87(2)(b) in their car and yelled for him to get off his bike. PO Yeaman pulled in front of § 87(2)(b) and cut him off. The officers asked § 87(2)(b) to get off of his bike and to show them I.D. more than once. When § 87(2)(b) refused, the officers used force to arrest him. § 87(2)(g)

According to § 87(2)(b) PO Yeaman grabbed his shirt twice while he sat on his bike and both times § 87(2)(b) backhanded PO Yeaman's hand away. § 87(2)(b) told PO Yeaman not to touch him and § 87(2)(b) got off of his bike. PO Yeaman grabbed § 87(2)(b)'s shoulder and § 87(2)(b) "got a little upset" but did not do anything physically to stop him. PO Ronan wrapped his arms around § 87(2)(b)'s waist, picked him up in an upward swinging motion and dropped him on the ground. § 87(2)(b) fell five feet and landed on his head and the back of his left shoulder. § 87(2)(b) initially said he did not remember whether the officers punched him but later said both officers punched him in the back of his head immediately after his head landed on the ground. § 87(2)(b) lay on his side for about thirty seconds while the officers leaned over him yelling, "Put

your hands behind your back” repeatedly. § 87(2)(b) said he began to feel “paranoid,” the air began to darken, and he thought the officers were trying to kill him—so he tried to “shake” them off. PO Ronan and PO Yeaman both knelt on top of § 87(2)(b)’s back; § 87(2)(b) did not see the officers do this but felt four knees pressing into his back. The pressure of the officers’ knees on § 87(2)(b)’s back pushing his chest into the concrete restricted his breathing; they placed continuous pressure on § 87(2)(b)’s back for about two minutes. § 87(2)(b) told the officers he could not breathe and that he had asthma.

§ 87(2)(b) said he thought an officer put his hand on one side of his face or on the back of his neck and then pushed his face or neck into the concrete. § 87(2)(b) said he thought this happened because he saw it on the cell phone video but did not remember what exactly happened.

§ 87(2)(b) a § 87(2)(b) was standing on the corner of Beach 86th Street and Rockaway Boulevard, across the street from where § 87(2)(b) was ultimately handcuffed, and saw the incident from the beginning. After § 87(2)(b) saw the officers get out of their car and push § 87(2)(b) to the ground, § 87(2)(b) walked across the street in front of Hammel Grocery, about ten feet away. § 87(2)(b) said PO Yeaman and PO Ronan “[threw] punches” at § 87(2)(b) while he was on the ground and § 87(2)(b) put his hands up to block them. § 87(2)(b) said he did not know how many times the officers struck § 87(2)(b) but said their strikes landed on the back and front of § 87(2)(b)’s head more than once.

The cell phone video, excerpted in full in SnagIt 01 below, is three minutes long and begins with § 87(2)(b) on the ground, PO Ronan kneeling beside § 87(2)(b) and PO Yeaman standing above § 87(2)(b). Both officers have hold of § 87(2)(b)’s arms and § 87(2)(b) is trying to break their grip (Board Review 01). § 87(2)(b) stands up but the officers quickly push him back down. § 87(2)(b) lands on his side and his head hits the ground. PO Yeaman falls on top of him, straddling the side of his hips, and PO Ronan drops to his knees and pushes § 87(2)(b)’s face into the ground. § 87(2)(b) says, “I have asthma” three times in a row. PO Ronan yells for the cameraman to back up, keeping his hand on § 87(2)(b)’s face, as PO Yeaman searches § 87(2)(b)’s pockets. PO Ronan picks up a radio and calls for backup, PO Yeaman finishes searching § 87(2)(b)’s pockets and fully handcuffs him.



SnagIt01.mp4

SnagIt02 is a slow-motion clip of what may be considered PO Ronan slapping § 87(2)(b)’s face (Board Review 02).



SnagIt02.mp4

SnagIt03 is a slow-motion clip of § 87(2)(b) falling to the ground and hitting his head, and PO Ronan pushing § 87(2)(b)’s face into the ground (Board Review 03). Furthermore, PO Yeaman’s and PO Ronan’s knees are on the ground and not pressing into § 87(2)(b)’s back.



SnagIt03.mp4

SnagIt04 is a slow motion clip of the opening of the video, in which it appears at least one of PO Yeaman's knees are pressing into § 87(2)(b)'s stomach (Board Review 04).



SnagIt04.mp4

According to the officers, PO Ronan grabbed the handlebars of § 87(2)(b)'s bike with both hands after asking § 87(2)(b) two or three times to step off the bike and show I.D. § 87(2)(b) put his right hand in his pocket and made a fist inside the pocket. PO Ronan and PO Yeaman both said § 87(2)(b)'s pockets did not draw their attention until § 87(2)(b) made a fist inside them and, at that point, both officers thought § 87(2)(b) could have been carrying a razor blade. PO Ronan grabbed § 87(2)(b)'s right wrist to remove § 87(2)(b)'s hand from his pocket and to place § 87(2)(b) under arrest. § 87(2)(b) grabbed PO Ronan's wrist with his left hand in response. Both officers said they determined § 87(2)(b) would need to be taken to the ground to be placed in handcuffs because he needed to be brought to the stationhouse to be issued a summons and because he was considered a threat to them.

When PO Yeaman saw § 87(2)(b) grab PO Ronan's wrist, he grabbed § 87(2)(b)'s left arm, somewhere around the elbow or bicep. § 87(2)(b) jerked his arm away, against PO Yeaman's grip. PO Ronan said he and PO Yeaman gave § 87(2)(b) commands and "[took § 87(2)(b) off the bicycle]" but he did not remember what commands or how the officers placed their hands on § 87(2)(b)'s body to take him off the bicycle. § 87(2)(b) stood flailing his arms. PO Yeaman leaned forward while holding onto § 87(2)(b) in order to take him to the ground. PO Ronan placed one of his legs behind § 87(2)(b)'s leg, took hold of § 87(2)(b)'s shirt or arm and pulled § 87(2)(b)'s upper body in the opposite direction.

PO Ronan did not remember how he or § 87(2)(b) landed on the ground. PO Yeaman said he landed on the left side of § 87(2)(b) with his shoulder possibly landing on § 87(2)(b)'s back. When they landed, both officers said their radios fell off their belts and § 87(2)(b) kicked his legs, tried to stand up, and tried to bite the officers. PO Ronan said some of § 87(2)(b)'s kicks struck his knees, elbows, and hands.

PO Ronan said it was possible he pressed § 87(2)(b)'s face against the ground and may have struck § 87(2)(b) while he was on the ground to stop § 87(2)(b) from biting. PO Ronan said he could not say whether he did or did not strike § 87(2)(b) with a closed fist but said he absolutely did not strike § 87(2)(b) in the back of the head with a closed fist. When shown the video clip of him pressing § 87(2)(b)'s face into the ground, PO Ronan said he did not know why he was doing so. PO Yeaman said he wanted to keep § 87(2)(b) face-down on the ground and said he did this by holding § 87(2)(b)'s arms with both of his hands. PO Yeaman said he did not remember

whether he struck § 87(2)(b) while he was on the ground and denied striking him with a closed fist in the back of the head while he was on the ground.

PO Ronan denied placing a knee up against § 87(2)(b)'s chest while he was on the ground or pressing his knee into § 87(2)(b)'s back when he was lying face-down on the ground. PO Yeaman denied using his knees to keep § 87(2)(b) on the ground or pressing his knees into § 87(2)(b)'s back. Both PO Yeaman and PO Ronan said they did not remember § 87(2)(b) say anything about having asthma or not being able to breathe and, when shown the video, maintained they did not remember § 87(2)(b) saying he had asthma.

Patrol Guide Procedure 221-01 states that an officer may use force when it is reasonable to place someone into custody or to prevent escape from custody. An officer should consider whether the subject is actively resisting custody or attempting to evade arrest by flight, and the immediacy of the perceived threat or harm to the subject, members of service, or bystanders (Board Review 05).

Patrol Guide Procedure 221-01 (2) states that officers shall not apply chokeholds, i.e. use maneuvers that restrict a subject's breathing.

§ 87(2)(g)  
[REDACTED]

[REDACTED]

**Allegation (D) Discourtesy: Police Officer Andrew Ronan spoke discourteously to § 87(2)(b)**

[REDACTED]

[REDACTED] alleged that PO Ronan said to PO Yeaman, "I'm sick of this shit" before he picked him up and threw him to the ground. PO Ronan denied making that statement and PO Yeaman denied hearing it. § 87(2)(g)

[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is § 87(2)(b) s first CCRB complaint.
- In the course of his three-year tenure with the NYPD, PO Ronan has been the subject of four allegations, two of which were exonerated and two that were truncated.
- In the course of his three-year tenure with the NYPD, PO Yeaman has been the subject of three allegations that were all exonerated.

### **Mediation, Civil and Criminal Histories**

§ 87(2)(b), § 87(2)(c)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Squad No.: 13

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date